



JRW
PATENT
Customer No. 22,852
Attorney Docket No. 07552.0023-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Jacques Duchamp et al.) Group Art Unit: 1723
Serial No.: 10/771,536) Examiner: MENON, Krishnan S.
Filed: February 5, 2004)
For: A SUPPORT ELEMENT FOR AN)
INTEGRATED MODULE FOR)
BLOOD TREATMENT, AN)
INTEGRATED MODULE FOR)
BLOOD TREATMENT, AND A)
MANUFACTURING PROCESS)
FOR AN INTEGRATED MODULE)
FOR BLOOD TREATMENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a Detailed Action including a restriction requirement, dated May 16, 2006, the Examiner required restriction, under 35 U.S.C. § 121, to one of the following groups of claims for prosecution in this case:

Invention I - Claims 1-20 and 35, allegedly drawn to support element, classified in class 312, subclass 209.

Invention II - Claims 21-29, allegedly drawn to integrated module, classified in class 210, subclass 321.71.

Invention III - Claim 36, allegedly drawn to combination of support and integrated module, classified in class 210, subclass 321.71.

Invention IV - Claims 30-34 and 37, allegedly drawn to method of making integrated module assembly, classified in class 156, subclass 293.

In the Detailed Action, the Examiner asserted that the inventions are distinct from each other. The Examiner argued that Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The Examiner further argued that the subcombinations are “distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.” (Detailed Action at 2.) The Examiner further argued that Inventions II and III or I and III are related as combination and subcombination and are “distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations.” (Id. at 2-3.) Finally, the Examiner argued that Inventions III and IV are allegedly related as process of making and product made, and are “distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process.” (Id. at 3.)

Applicant provisionally elects, with traverse, to prosecute Invention I, directed to claims 1-20 and 35 and allegedly drawn to a support element.

As noted above, the Examiner contends that this application contains inventions that are allegedly distinct from each other. Applicant traverses this restriction requirement on the grounds that the alleged inventions are in fact not distinct from each other. For example, Inventions I and II clearly overlap in scope and are therefore, not distinct. Invention II, allegedly drawn to an integrated module, as recited in claims 21-

29, can only operate using the support element of Invention I, as recited in claims 1-20.

Accordingly, the integrated module of Invention II and the support element of Invention I do not have separate utility and are not distinct.

Moreover, the process of alleged Invention IV, as recited in claims 30-34, is directed to a procedure of assembling an integrated module having the support element of alleged Invention I, as recited in claims 1-20, and thus requires the particulars of alleged Invention I and is not distinct from alleged Invention IV. Alleged Invention III, as recited in claim 36, is similarly related to the support element of Invention I, as recited in claim 35. Accordingly, alleged Inventions I and III are not distinct either.

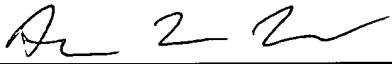
Further, the Examiner has not shown that there would be a serious burden to examine all of the alleged inventions. See M.P.E.P. § 803. In fact, the Examiner has failed to show that any burden exists. Accordingly, Applicant requests that the Examiner withdraw the restriction requirement and allow Applicant to prosecute all claims (1-37) in this application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: May 26, 2006

By: 
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